

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

APR - 9 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Billed Party Preference for) CC Docket No. 92-77
InterLATA 0+ Calls)
)

PETITION FOR CLARIFICATION

BellSouth Telecommunications, Inc.,¹ by counsel, files this petition to request clarification that the rules adopted recently in this proceeding² only apply to 0+, interLATA calls.

In the *BPP Recon Order*, the Commission amended Part 64, Subpart G, Section 64.703 of Title 47 of the Code of Federal regulations by adding the following new subsection after subsection (a)(3):

(4) Disclose, audibly and distinctly to the consumer, at no charge and before connecting any interstate, domestic interexchange 0+ call, how to obtain the total cost of the call, including any aggregator surcharge, or the maximum possible total cost of the call, including any aggregator surcharge, before providing further oral advice to the consumer on how to proceed to make the call. The oral disclosure required in this subsection shall instruct consumers that they may obtain applicable rate and surcharge quotations either at the option of the provider of operator services, by dialing no more than two digits or by remaining on the line.³

¹ BellSouth Telecommunications, Inc., is a regional Bell operating company that provides telephone exchange and exchange access service in parts of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.

² *Billed Party Preference for InterLATA 0+ Calls*, CC Docket No. 92-77, Second Report and Order and Order on Reconsideration, FCC 98-9 (January 29, 1998) ("*BPP Recon Order*"). The rules are to be codified at Part 64 of Title 47 of the Code of Federal Regulations.

³ *BPP Recon Order*, App. A.

No. of Copies rec'd 07
List A B C D E

On February 12, 1998, the Common Carrier Bureau released an erratum to the *BPP Recon Order* containing the following revisions relevant to this petition:

* * *

2. Footnote 2 is amended by inserting the following after the first sentence: "The term '0+ calls' as used herein means non-access code operator service calls from aggregator locations."

* * *

6. Appendix A, Page 1, new subsection 64.703(a)(4), is amended by changing "0+" to "non-access code operator service."⁴

Thus, the new regulation recently adopted by the Commission now reads, in relevant part:

Disclose, audibly and distinctly to the consumer, at no charge and before connecting any interstate, domestic interexchange non-access code operator service call.

The new price disclosure requirements adopted by the Commission are not, by the express terms of the *BPP Recon Order*, applicable "to calls to local and long distance operators, i.e., 0- and 00 calls, where callers who wish to make interstate calls already have the opportunity to obtain rate quotes."⁵ Paragraph 90 of the *BPP Recon Order* succinctly states that "[t]he rules are inapplicable to 0- calls."⁶ Indeed, this proceeding is captioned "Billed Party Preference for InterLATA 0+ Calls." Yet the *BPP Erratum's* substitution of the term "non-access code operator service" could be read to encompass "0-" calls or "calls to local or long distance operators." As shown above, the text of the *BPP Recon Order* indicates that the final regulation was not meant to reach these calls.

⁴ *Billed Party Preference for InterLATA 0+ Calls*, CC Docket No. 92-77, Erratum (February 12, 1998) ("*BPP Erratum*").

⁵ *BPP Recon Order* at n. 55.

⁶ *Id.* at ¶ 90.

Further, the regulation as adopted by the Commission would appear to apply by its literal terms to intraLATA calls to the extent that some intraLATA calls cross state boundaries and local exchanges, and thus also constitute “interstate, interexchange” calls. The record throughout this proceeding indicates that the Commission was concerned with the charges imposed by interLATA operator service providers (OSPs), and that it was the charges imposed by interLATA OSPs that resulted in the high incidence of complaints to the Commission. There is no record in the proceeding that there has been any customer complaint arising out of charges for interstate, intraLATA calls carried by non-interLATA OSPs. Indeed, the rates for such calls have been filed in tariffs and subject to regulation for years.⁷

As a practical matter, BellSouth has no way of complying with the Commission’s disclosure requirements on its small volume of interstate, intraLATA calls only; BellSouth must make modifications to its operator services platform for all 0+ intraLATA calls, the vast majority of which are wholly intrastate, in order that the price disclosure be made on the limited number of cross-state, intraLATA calls. BellSouth concurs with the arguments set forth in the emergency petition for stay and the petition for clarification or reconsideration filed in this docket by the Ameritech Operating Companies, and urges the Commission to clarify that its new regulations were intended to apply only to 0+, interLATA calls, as both the name of and the record in this proceeding attest.

⁷ Any premises imposed fees have also been set forth in such tariffs. BellSouth requests that the Commission clarify that where premises imposed fees are outside of the control of the carrier, such fees are not required to be disclosed audibly by the carrier.

CONCLUSION

The Commission should clarify that its recently adopted rules in this proceeding do not apply to 0- or to intraLATA calls.

Respectfully submitted,

BELLSOUTH CORPORATION

By: Theodore R. Kingsley 
M. Robert Sutherland
Theodore R. Kingsley

Its Attorneys

Suite 1700
1155 Peachtree Street, N.E.
Atlanta, Georgia 30309-3610
(404) 249-3392

DATE: April 9, 1998